

REMARKS

Applicant is amending claims 1, 6, 7, 29, 31, 32, and 33; canceling claim 2; and adding claims 35-38. Claims 1 and 3-38 are presented for examination.

Specification

The Examiner objected to the specification for failing to provide proper antecedent basis for the subject matter of claim 29. However, the subject matter of claim 29 (i.e., a surfactant selected from the group consisting of polyvinyl alcohol, ethylene-vinyl alcohol, and polyvinylbutyrol) is disclosed in the original application in the summary (page 2, lines 29-30), the detailed description (page 5, lines 1-3), and original claim 29 (page 11). Therefore, Applicant requests that the Examiner withdraw the objection.

Claim Objections

The Examiner objected to informalities in claim 29. Claim 29 is currently amended to obviate the objection.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 6-10, 16-19, 31, 32, and 33 as anticipated by EP 0 962 997 A1 (Friend). The independent claims (1 and 31) have been amended to add the feature of claim 2, which was not rejected as anticipated by Friend. For at least this reason, Applicant requests that the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-22, 24, and 30-33 as being unpatentable over U.S. Pat. 4,923,637 (Yagi) in view of U.S. Pat. 5,011,752 (Kordes). In particular, the Examiner relied on Yagi for describing certain carbon fibers and on Kordes for describing "an alkaline battery employing carbon in the form of graphite and graphite fibers, the fibers being present at more than 5% by weight." (Office Action, May 7, 2003, pg. 4-5). Applicant submits that assuming,

but not conceding that Yagi and Kordesch could be combined, the combination would not result in the claimed batteries.

At best, Kordesch describes a rechargeable battery having a cathode with an initial formulation of about 7 to about 10% by weight of an **admixture** of graphite and graphite fiber. (Kordesch, col. 11, lines 57-60.) But Kordesch does not disclose that the admixture includes greater than about 6% of carbon fibers by weight, as required by the claims. Instead, in each of the examples provided by Kordesch, the cathode includes no carbon fibers, or at most, one percent graphite fibers. Moreover, Kordesch does not disclose or suggest a primary alkaline battery, as claimed. Since neither Yagi nor Kordesch discloses or suggests a cathode having more than about 6% of carbon fibers by weight, Applicant requests that the rejection be reconsidered and withdrawn.

Under 35 U.S.C. § 103(a), the Examiner rejected claim 23 as being unpatentable over Yagi in view of Kordesch and further in view of Lafdi and Wright; claim 26 as being unpatentable over Yagi in view of Kordesch and further in view of U.S. Pat. 4,005,183 (Singer); claim 34 as being unpatentable over Yagi in view of Kordesch and further in view of Lafdi and Wright, and Singer; claims 24 and 25 as being unpatentable over Yagi in view of Kordesch and further in view of U.S. Pat. 6,506,355 (Glasgow); claim 27 as being unpatentable over Yagi in view of Kordesch and further in view of U.S. Pat. 5,482,798 (Mototani); claim 28 as being unpatentable over Yagi in view of Kordesch and further in view of U.S. Pat. 4,777,100 (Chalilpoyil); and claim 29 as being unpatentable over Yagi, Kordesch, Chalilpoyil and further in view of U.S. Pat. 6,287,730 (Callahan).

The additional cited references do not cure the deficiencies of the combination of Yagi and Kordesch. Therefore, claims 23-29 and 34, which depend from claim 1 or 31, are patentable over the cited references for at least the reasons discussed above.

New claims 35-38 are also patentable over the cited references. For example, the references do not disclose or suggest a primary alkaline battery including a cathode having between about 82% and about 92% of cathode active material by weight and more than about 5% of carbon fibers by weight.

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Applicant believes the claims are in condition for allowance, which action is requested.

Enclosed is a check for excess claim fees and a Petition for Extension of Time with the fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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